

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division

EMILY MAIS,

Plaintiff,

v.

Case No. 3:22-cv-51

ALBEMARLE COUNTY SCHOOL  
BOARD,

Defendant.

**NOTICE OF REMOVAL**

Defendant Albemarle County School Board (“School Board”), by counsel, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby removes this action from the Circuit Court for the County of Albemarle (“the Circuit Court”) to the United States District Court for the Western District of Virginia, Charlottesville Division. In support of its Notice of Removal, Defendant states as follows:

**REQUIREMENTS OF 28 U.S.C. § 1446**

1. On July 19, 2022, Plaintiff filed a Second Amended Complaint (attached as Exhibit A) in the Circuit Court for Albemarle County. On August 10, 2022, the Court granted Plaintiff’s Motion for Leave to file the Second Amended Complaint (attached at Exhibit B). On August 29, 2022, the School Board filed a Demurrer and Plea in Bar (attached as Exhibits C and D) in the Circuit Court.

2. Pursuant to 28 U.S.C. § 1446, this Notice of Removal is being filed within thirty (30) days after the Court ordered the filing of the Plaintiff’s Second Amended Complaint.

3. Further, and as discussed above, a copy of the Plaintiff's Second Amended Complaint, and the responsive pleadings filed by the parties and in possession of Defendant have been attached hereto.

5. Defendant is providing written notice of this removal to Plaintiff simultaneously herewith, and will file a copy of this Notice of Removal with the Clerk for the Circuit Court.

**JURISDICTION UNDER 28 U.S.C. § 1331**

6. Removal of this lawsuit is authorized by 28 U.S.C. § 1441(a) because this Court has original jurisdiction over this civil action under 28 U.S.C. § 1331.

7. Federal question jurisdiction exists pursuant to 28 U.S.C. § 1331 because Plaintiff's Complaint asserts claims of discrimination and retaliation in violation of 42 U.S.C. § 1981 and 42 U.S.C. § 1983.

WHEREFORE, Defendant Albemarle County School Board, by counsel, requests that this action be removed from the Circuit Court for the County of Albemarle to this United States District Court.

**ALBEMARLE COUNTY SCHOOL BOARD**

By Counsel

/s/ Jeremy D. Capps

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**C E R T I F I C A T E**

I hereby certify that a true copy of the foregoing was sent via email this 7<sup>th</sup> day of September, 2022 to:

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/s/ Jeremy D. Capps \_\_\_\_\_